

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

A. DAVIES,

Plaintiff,

No. CIV S-03-0014 LKK JFM P

vs.

Dr. K. LOW,

Defendant.

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 28, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.¹

¹ On September 13, 2006, plaintiff filed a request to file objections out of time. However, that request was directed to the findings and recommendations issued July 26, 2006. Moreover, plaintiff's previous request for additional time to file objections to the July 26, 2006 recommendations was denied as futile. (September 12, 2006 Order at 2.) Because the court is adopting the August 28, 2006 findings and recommendations, plaintiff's September 13, 2006 request will also be denied as futile.

1 The court has reviewed the file and finds the findings and recommendations to be
2 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
3 ORDERED that:

- 4 1. The findings and recommendations filed August 28, 2006 are adopted in full;
- 5 2. Defendant's November 18, 2005 motion for summary judgment is granted; and
- 6 3. Plaintiff's September 13, 2006 request is denied.

7 DATED: September 28, 2006

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10 UNITED STATES DISTRICT JUDGE

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